Supreme Court, U.S.
FILED
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(2)

No. 99-1853

IN THE

SUPREME COURT OF THE UNITED STATES

Olga Mary Lansing- Petitioner

(Pro Se)

Vs.

State Farm Auto Insurance Company-Respondent

(For Unidentified Uninsured Driver)

And

Pasha Lakesha Nettles-Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO
DISTRICT OF COLUMBIA COURT OF APPEALS

BRIEF FOR RESPONDENT

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Petitioner finds herself an unhappy litigant much vexed by the judicial process. Injuries, auto accident derived, impelled Petitioner Lansing's self-described "first-time" resort to judicial redress. Petitioner, having failed to persuade the trial jury, goes unsatisfied in her quest for reparations. This outcome, Petitioner believes, was due in no small measure to a jury panel impaired in its fact finding by youth, social-economic status, educational deprivation, poor posture, and a propensity for "gum chewing."

Petitioner Lansing (pro se) in her Petition For Writ of Certiorari proffers her "Questions Presented". Although enumerating eight questions, Petitioner raises only two substantive issues. Questions one through four (1-4) concern all the same issue, whether the identity of a plaintiff's uninsured motorist insurance carrier must be revealed where the carrier steps into the shoes of the uninsured motorist to raise defenses available to an uninsured motorist. Question five (5) asks: "Why the jury was black?" Questions six (6), seven (7) and eight (8) are inferences devoid of factual foundation and are not addressed.

I. THE RACIAL COMPOSITION OF THE JURY AT TRIAL DOES NOT CONSTITUTE REVERSABLE ERROR

Petitioner Lansing contends that a "jury imbalance" existed with respect to the racial composition of the jury. She claims that Respondents' counsel "manipulated" the jury selection. Yet, she raised no objections through counsel to the racial composition of the jury.

To Lansing it would seem attributes of youth, social-economic status, educational deprivation, poor posture, and a propensity for "gum chewing" correlate strongly with skin color, As such, color of skin is a valid proxy for these traits, traits suggestive of bias on the part of the jurors.

Petitioner Lansing cites no authority for her proposition. Only after the jury found against Petitioner, did Petitioner Lansing raise her complaint about the jury. The record fails to reveal any request of Lansing for the trial judge to require Nettles (defendant in the trial) to articulate a race-neutral explanation for striking potential jurors.

Addressing the issue of race discrimination in Edmonson v. Leesville Concrete, (500 U.S. 614; 111 S. Ct. 2077; 1991) The Supreme Court Of The United States, citing itself, stated: "Race discrimination within the courtroom raises serious questions as to the fairness of the proceedings conducted there. Racial bias mars the integrity of the judicial system and prevents the idea of democratic government from becoming a reality."

(Rose v. Mitchell, 443 U.S. 545, 556, 61 L. Ed. 2d 739, 99 S. Ct. 2993 (1979); Smith v. Texas, 311 U.S. 128, 85 L. Ed. 84, 61 S. Ct. 164 (1940)).

Skin color, as the test for a jury's impartiality is pernicious to the continued progress and development of our multiracial democracy. If a litigant believes a prospective juror to harbor racial biases and instincts, the issue can be explored in a rational way consistent with respect for the dignity of persons, without the use of skin color or ancestry classifications. Edmonson v. Leesville Concrete, (500 U.S. 614; 111 S. Ct. 2077; 1991)

Had the court proceeded with the trial upon defense counsel's inability to articulate a race-neutral explanation for striking potential white jurors, or alternatively for preferring black jurors, upon challenge by Lansing than this issue would be properly raised. Such is not the circumstance. Wanting for proof, it is mere speculation upon which Lansing comes forth with her petition on a claim of inappropriate skin color criteria in selecting members of the trial jury.

II THE IDENTITY OF A PLAINTIFF'S UNINSURED MOTORIST COVERAGE CARRIER NEED NOT BE REVEALED WHERE THE CARRIER STEPS INTO THE SHOES OF THE UNINSURED MOTORIST TO RAISE

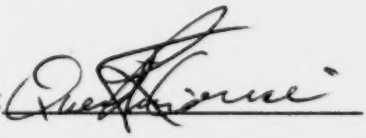
DEFENSES AVAILABLE TO AN UNINSURED MOTORIST.

At trial, Counsel for Appellee State Farm apparently requested, and was granted, the right to introduce herself as counsel for "John Doe." Lansing claims as reversible error the trial court's ruling that the participation of State Farm should not be brought to the jury's attention.

In the District of Columbia, it is well settled that "[I]n a negligence action, evidence that the defendant is insured against his negligence is ordinarily inadmissible." (Adkins v. Morton, 494 A.2d 652, 662 (D.C. 1985) (quoting Parks v. Ratcliff, 240 A.2d 659, 660 (D.C.1998)). As the trial court indicated in the Order of January 27, 1999 at footnote 5, the court's ruling with regard to the mention of State Farm was predicated upon an analysis of the probative value versus the unfair prejudice of mentioning an insurance carrier. The injection of insurance into a trial is left to the discretion of the trial judge.

As the trial was a third party negligence action, and Lansing identified no substantive grounds for her contention that the issue of insurance should have been injected into the trial, the trial judge's ruling was consistent with the long-standing practice of District of Columbia courts barring 'the introduction of insurance into the case.'" (Ceco Corp. v. Maloney, 404 A.2d

935, 938 (D.C. 1979) quoting Chavis v. Commercial Storage, Inc., 324 A,2d 695, 700 (D.C. 4)). That Respondent State Farm's counsel was introduced as representing "John Doe" rather than State Farm is neither plain error nor abuse of discretion, and no basis to disturb the jury's verdict rendered in this case.

By: 

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